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U.S. Department of Transportation:**

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Comments of

Yellow Freight System, Inc.

**FHWA Docket MC-92-4
Federal Motor Carrier Safety Programs
Transportation of Hazardous Materials**

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Yellow Freight's Comments on Federal Highway Administration Docket MC 92-4

Yellow Freight wishes to comment on provisions of FHWA Docket MC-92-4 relating to use of existing reporting mechanisms, safety permit numbers on shipping papers and exclusion of Hazard Zone B hazardous materials. Generally, Yellow believes regulations proposed in this docket have the potential to enhance safe transportation of hazardous materials in ensuring that motor carriers not fit to transport hazardous materials are excluded from the process. Yellow believes that close coordination between the Research and Special Programs Administration and the FHWA is essential if the FHWA program expands to additional hazardous materials. While **RSPA's** program involves registration, Yellow realizes that **FHWA's** program involves a permit process. With that in mind, Yellow encourages FHWA to closely align this permit program with the work of the Alliance for Uniform Hazardous Materials Transportation Procedures which will be reviewed and issued by the Secretary of Transportation. Continuity with **FHWA's** permit program to one used by the States will add to the safe transportation of hazardous materials and eliminate administrative inefficiencies.

Yellow Freight System, Inc.

Yellow Freight System, Inc. (Yellow) is one of the Nation's largest full service transportation companies. Yellow currently specializes in the transportation of less-than-truckload freight. Yellow is not a specialized carrier of hazardous materials or a bulk transporter whose equipment and operations are designed around hazardous materials transportation. We transport general commodities -- the things that move in boxes and go to stores, kitchens, basements, schools and other locations. We do not handle Class A or Class B Explosives, hazardous waste, **PCBs** or route controlled radio active materials. As a less-than-truckload carrier, we do not normally handle the type or quantity of hazardous materials that generally require emergency response teams or pose a potential for mass cleanups or public evacuations.

Yellow's current operations center around the use of a hub and spoke system. We have 26 major hubs with an additional 500 satellite terminals. More than 25,000 employees and 40,000 pieces of equipment support this terminal network. While we have large consolidation centers -- that move over one million shipments annually -- we also have smaller satellite terminals that are staffed by only a few individuals and limited equipment.

Shipping Papers - Section 397.49

Yellow Freight proposes that FHWA drop the proposed requirement to place the safety permit number on appropriate shipping papers. Yellow believes that enough information will already be available to enforcement **officials** without placing the safety permit number on shipping papers. Shipping papers already contain essential information on hazardous materials. Placing information that is not essential to immediate safety concerns will not enhance the transportation of hazardous materials. Enforcement **officials** should be able to obtain information on carriers participation in the permit program through another source. While Yellow disagrees with the proposal to put the safety permit number on shipping papers, Yellow strongly believes FHWA should not create specific indicia for this program. FHWA correctly recognizes that carriers -- not vehicles -- are the subject of approval for carrying certain hazardous materials under this program. All permits should be specific to the carrier in this program.

Definitions - Section 397.39

Yellow applauds FHWA's decision to exclude some less than "***in bulk***" materials from the safety program. Yellow believes that FHWA is making an important distinction in hazardous materials between "***in bulk***" quantities and less than "***in bulk***" quantities. Less than "***in bulk***" quantities generally are less likely to pose an immediate danger to public safety while in transit compared to "in bulk" quantities. This is not only due to quantity but also relates to packaging and shipping requirements.

Application Procedures - Section 397.49

Yellow applauds FHWA's decision to use a modified version of the existing Motor Carrier Identification Report for the safety permit program. The Motor Carrier Identification Report is an existing and ideal method to determine fitness for hauling hazardous materials covered by this permit program. There is no need to add a new report to comply with this program and Yellow appreciates FHWA's recognition of the need to eliminate additional reports with duplicative information. No one gains from time and money spent on needless reports. Yellow also appreciates the convenience of applying for the report at Regional FHWA offices.

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